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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,377	07/23/2003	Kevin L. Parsons	89841	2358
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WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			VANATTA, AMY B	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JW

Office Action Summary

Application No.

10/625,377

Applicant(s)

PARSONS, KEVIN L.

Examiner

Amy B. Vanatta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6-8, 12, 13, 15, 16, 17, 21-28, 30, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang (US 5,195,187).

Yang discloses a jacket comprising a plurality of pockets (e.g. 10a, 6b) disposed within a secure area of the jacket. A closure (e.g. zippers 5b, 7b) is disposed on each of the pockets. The zippers have an orientation such that they clearly are operable with a single hand, as claimed. The jacket has a pair of front panels (1,2) and a back panel (3). Yang discloses that the jacket may include long or short sleeves (col. 2, lines 48-49), as in claim 2. Although Yang does not disclose the use of the garment for law enforcement personnel, such a recitation amounts to the intended use of the claimed structure. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). The garment of Yang is clearly capable of being used by law enforcement personnel. Similarly, Yang does not disclose the use of the receptacles or pockets to receive police equipment, however such a recitation also

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amounts to the intended use of the claimed structure. The pockets of Yang have a structure such that they are capable of such a use.

The pair of front panels have a receptacle (see 10a in Fig. 9) on a lower inside surface as in claim 6. This receptacle is capable of carrying prisoner restraint devices. The receptacle further includes a pocket (11 or 10a shown in Fig. 9) capable of carrying plastic or metal handcuffs, as in claims 7 and 8. Yang shows pocket 10a (Fig. 9) on the lower inside surface which is capable of holding a firearm as in claim 12. Pocket 6a (Fig. 9) on the upper inside surface is capable of holding a flashlight as in claim 13. Yang shows pocket 6b (Fig. 8) on the upper outside surface which is capable of holding a small firearm or baton as in claim 15 or 17. Pocket 6a (Fig. 8) on the upper outside surface is capable of holding a flash light as in claim 16.

Regarding claim 22, Yang shows front panels (1,2) and a plurality of receptacles on the inside surface (e.g. 6a,10a shown in Fig. 9) capable of receiving prisoner restraint devices. Yang shows a cover flap 20 with an interior pocket 11. The cover flap (see flap 20 in Fig. 9) "falls into place" to the extent claimed, due to gravity, and functions to re-secure devices which are in pockets 10a, 10b, and 11 after a device has been removed by preventing the zipper 19 from disengagement (col. 4, lines 55-58). The receptacles include a pocket (6a in Fig. 9) capable of receiving handcuffs as in claims 23-24. Receptacles 10a and 10b (Fig. 9) are on an end of the panels opposite the neck portion, as in claim 25. The receptacle 10a or 10b (Fig. 9) is capable of receiving a firearm on the inside surface of one of the panels, comprises a zipper (19), and is at an end opposite the neck portion as in claims 26-28. Receptacle 11 as shown

in Fig. 8 is on the back panel, and a baton can clearly be received in this receptacle and lay along the bottom edge of the receptacle, thus being on a lower edge of the back portion as in claim 30. A receptacle 6a or 6b is provided at the upper end of one of the pair of panels and is capable of being used to receive a small firearm, as in claim 31.

3. Claims 1, 2, 15-18 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Tobias (US 5,603,646).

Tobias discloses a jacket comprising a plurality of receptacles (e.g. stash pocket with vertical zipper 104, pocket with zipper 112, and pockets 96, 116,132) disposed within a secure area of the jacket; see Fig. 1. A closure (e.g. zippers 104,112,118,126) is disposed on each of the pockets. The zippers have an orientation such that they clearly are operable with a single hand, as claimed. The jacket has a pair of front panels (22,24) and a back panel (80). The jacket has a pair of sleeves (32,34), as in claim 2. Although Tobias does not disclose the use of the garment for law enforcement personnel, such a recitation amounts to the intended use of the claimed structure. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). The garment of Tobias is clearly capable of being used by law enforcement personnel. Similarly, Tobias does not disclose the use of the receptacles or pockets to receive police equipment, however such a recitation also amounts to the

intended use of the claimed structure. The pockets of Tobias have a structure such that they are capable of such a use.

Tobias shows a pocket (e.g. pocket closed by zipper 104 or pocket 96; Fig. 1) on the upper outside surface which is capable of holding a small firearm or baton as in claim 15 or 17 or a flash light as in claim 16. A pocket 138 is on the upper surface of the sleeve as in claim 18 and is capable of holding a spray canister as claimed. The jacket has a hood (86; see Fig. 8) that is stored within the collar of the jacket and can clearly be released by using one hand, by means of zipper 84, as in claim 20.

Regarding claim 21, Tobias shows front panels (22,24) connected by a neck portion and a plurality of pockets with zippers (e.g. stash pocket with vertical zipper 104, pocket with zipper 112, pocket 116 having zipper 118, and pocket 132 having zipper 126) disposed on the panels. The zippers can clearly be used by only a single hand as in claim 21.

4. Claims 1, 2, 15-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Marcon (US 6,314,579).

Marcon discloses a jacket comprising a plurality of receptacles (col. 3, lines 46-56; col. 4, lines 38-41; and Fig. 1) disposed within a secure area of the jacket; see Fig. 1. A closure (e.g. zippers disclosed in col. 3, lines 46-56 and closures shown in figure) is disposed on each of the pockets. The zippers would clearly be operable with a single hand, as claimed. The jacket has a pair of front panels connected by a neck portion, a back panel, and sleeves as shown in Fig 1 (and see col. 4, lines 47-48). Although

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Marcon does not disclose the use of the garment for law enforcement personnel, such a recitation amounts to the intended use of the claimed structure. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). The garment of Marcon is clearly capable of being used by law enforcement personnel. Similarly, Marcon does not disclose the use of the receptacles or pockets to receive police equipment, however such a recitation also amounts to the intended use of the claimed structure. The pockets of Marcon have a structure such that they are capable of such a use, and Marcon does disclose that various article and equipment may be carried in the pockets (col. 1, lines 15-20 and col. 2, lines 36-50).

Marcon shows a pocket on the upper outside surface which is capable of holding a small firearm, flashlight, or baton as in claims 15-17 (see Fig. 1). Pockets 14 are on the top surfaces of the sleeves as in claims 18 and 19 and are capable of holding a spray canister as claimed (see Fig. 1).

Regarding claim 21, Marcon shows front panels connected by a neck portion and a plurality of pockets with zippers (see Fig. 1 and col. 3, lines 46-56) disposed on the panels. The zippers can clearly be used by only a single hand as in claim 21.

5. Claims 1, 2, 6-8, 12, 13, 15-19, 22-25, 27, 28, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Ost et al (US 5,718,000).

Ost et al disclose a jacket comprising a plurality of receptacles (e.g. 240,241; see Fig. 5) disposed within a secure area of the jacket. A closure (see col. 4, lines 64-66, disclosing the use of "conventional closure mechanisms") is disposed on each of the pockets. Only a single hand would be needed to operate such conventional closures, as claimed. The jacket has a pair of front panels connected by neck portion, a back panel, and a pair of sleeves (Fig. 5), as in claim 2. Although Ost does not disclose the use of the garment for law enforcement personnel, such a recitation amounts to the intended use of the claimed structure. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). The garment of Ost is clearly capable of being used by law enforcement personnel. Similarly, Ost does not disclose the use of the receptacles or pockets to receive police equipment, however such a recitation also amounts to the intended use of the claimed structure. The pockets of Ost have a structure such that they are capable of such a use.

The pair of front panels have a receptacle (240; Fig. 5) on a lower inside surface as in claim 6. This receptacle is a capable of carrying prisoner restraint devices. The receptacle includes a pocket (pocket within 240) capable of carrying plastic or metal handcuffs, as in claims 7 and 8. Ost shows pocket (240) on the lower inside surface (Fig. 5) which is capable of holding a firearm as in claim 12. The pocket on the upper inside surface (see Fig. 5) is capable of holding a flashlight as in claim 13. The pocket on the upper outside surface shown in Fig. 5 is capable of holding a small firearm or

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baton as in claims 15 and 17. The pocket on the upper outside surface (see Fig. 5) is capable of holding a flash light as in claim 16. Pockets 160,161 are on the upper surface of the sleeves as in claims 18 and 19 and are capable of holding a spray canister as claimed (see Fig. 5).

Regarding claim 22, Ost shows front panels and a plurality of receptacles on the inside surface (240 shown in Fig. 5) capable of receiving prisoner restraint devices. Ost shows a cover flap (see Fig. 5) with an interior pocket (240) to the extent claimed in claim 22. The cover flap (see flap over top of pocket as shown in Fig. 5) "falls into place" to the extent claimed, due to gravity, and functions to re-secure devices which are in the pockets after a device has been removed, as claimed. The receptacles include a pocket (240 in Fig. 5) capable of receiving handcuffs as in claims 23-24. Receptacles 240 are on an end of the panels opposite the neck portion, as in claim 25. The receptacle 240 (Fig. 5) is capable of receiving a firearm on the inside surface of one of the panels and is at an end opposite the neck portion as in claims 27-28. A receptacle 240 is provided at the upper end of one of the pair of panels and is capable of being used to receive a small firearm, as in claim 31.

6. Claims 1, 2, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Shanhouse (US 2,150,251).

Shanhouse discloses a jacket comprising a plurality of receptacles (see pockets shown on each side of the front panels in Figs. 1-3 and pocket 15) disposed within a secure area of the jacket. A closure (see flap closing front pockets and zipper 33

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closing pocket 15; pg. 2, col. 1, lines 4-11) is disposed on each of the pockets. Only a single hand would be needed to operate such closures, as claimed. The jacket has a pair of front panels connected by neck portion, a back panel, and a pair of sleeves (pg. 1, col. 1, lines 46-50 and Figs. 1-3), as in claim 2. Although Shanhouse does not disclose the use of the garment for law enforcement personnel, such a recitation amounts to the intended use of the claimed structure. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). The garment of Shanhouse is clearly capable of being used by law enforcement personnel. Similarly, Shanhouse does not disclose the use of the receptacles or pockets to receive police equipment, however such a recitation also amounts to the intended use of the claimed structure. The pockets of Shanhouse have a structure such that they are capable of such a use.

The receptacles include a pocket 15 on a lower inside surface of the back panel which is capable of holding a firearm as in claim 12.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ost et al (US 5,718,000).

Ost et al disclose a jacket as claimed, including a receptacle (240) on a lower inside surface of the front panel (see Fig. 5) which is clearly capable of holding a prisoner restraint device. The receptacle 240 has a flap secured over the receptacle (see flap illustrated in Fig. 5). Ost discloses that the fastener is any conventional closure mechanism (col. 4, lines 65-66). Hook and loop fasteners are conventional fasteners in the art, commonly used for fastening pockets. Ost does teach that “throughout this description, detachable generally indicates the preferred usage of filamentary loop and hook mechanisms to attach/detach the item of interest” (col. 6, lines 27-30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a hook and loop strap on the flap which closes over the pocket 240 of Ost to secure the flap in a closed position, since hook and loop fasteners are conventionally used to fasten pockets and other garment articles, and Ost specifically teaches the use of hook and loop fasteners to fasten portions of the garment.

9. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ost et al (US 5,718,000) in view of Speh (US 1,773,442).

Ost et al disclose a jacket as claimed, including a receptacle (240) on a lower inside surface of the front panel (see Fig. 5) which is clearly capable of holding a prisoner restraint device. The receptacle has a flap, as set forth in the rejection above.

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The key pocket of claim 10 having a zipper to close the pocket is not disclosed by Ost. Speh discloses a jacket including a receptacle on the inner surface of the jacket (see 18 in Fig. 1). The pocket has a flap (19) which includes a small pocket 21 to accommodate small articles (col. 2, lines 17-18). The small pocket could clearly be used to hold keys as in claim 10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a small pocket near the flap of the pocket of Ost et al in order to permit secure carrying of small items, such as taught by Speh. Although Speh does not disclose that the small pocket has a fastener, pockets commonly are provided with fasteners across the pocket opening. Ost does teach that the pockets of the jacket are closed "using conventional closure mechanisms". One having routine skill in the art would recognize that a zipper is a conventional closure mechanism. Ost does specifically teach the use of zippers or hook and loop fasteners for fastening other portions of the jacket (see, e.g., col. 1, lines 59-61 and col. 5, lines 9-11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a zipper closure across the opening of the small pocket of Ost modified in view of Speh in order to provide a secure closure of the pocket, and since zippers are conventionally used to fasten pockets and other garment articles, and since Ost specifically teaches the zippers as fasteners in the garment.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ost et al (US 5,718,000) in view of Ingrisano et al (US 4,637,075).

Ost et al disclose a jacket as claimed, however the jacket does not include a loop on the upper inside surface of the panel as in claim 14. Ingrisano et al disclose a vest having pockets on the outside and including a loop (see loop 25,60, 62) which is capable of holding a writing instrument. Since the inside of the jacket shown in Fig. 5 of Ost is actually the vest turned inside out (col. 5, lines 46-50), by putting a loop such as that of Ingrisano on the outside, the loop ends up on the inside of the garment when worn as shown in Fig. 5. Ingrisano also discloses a loop 96 or 97 on the upper inside surface of the jacket to secure items. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide such a loop on the jacket of Ost et al in order to provide additional means for securing items to the jacket, as taught by Ingrisano et al.

11. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shanhouse (US 2,150,251) in view of Hardy (US 3,738,367).

Shanhouse discloses a jacket as claimed, including a side access zipper (34,35) that joins the front panel to the back panel. The zipper has a zipper control handle (34) which is on the lower end when the zipper is closed, and is pulled upwards from the lower end to open the zipper, as in claim 4 (pg. 2, col. 1, lines 15-31. Shanhouse does not show the zipper as opening from an upper end, as in claim 3. Zippers which have two zipper handles and open from both ends are conventional in the art. They are commonly used on the front openings of jackets. Hardy shows a two-way zipper connecting the front panels and back panel of a garment. The zippers (49, 50) extend

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along the sides. Each zipper has two sliders ("handles"), see e.g. 55,56, so that the zipper can be opened by moving slider 55 downwards from the upper end or by moving slider 56 upwards from the lower end. Such a design permits easier access by the wearer and greater versatility of the garment but allowing access from two different directions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide such a two-way zipper in place of the zipper 35 of Shanhouse, in order to permit easier access by the wearer and greater versatility of the garment by allowing access from two different directions, as shown by Hardy.

Regarding claim 5, it is noted that Shanhouse shows a pocket (15) proximate the side access zipper. This pocket is clearly capable of holding a baton as claimed.

12. Claims 22-25 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shanhouse (US 2,150,251) in view of Ost et al (US 5,718,000).

Shanhouse discloses a jacket as claimed, including a pair of front jacket panels connected by a neck portion and a plurality of receptacles (see pockets shown on each side of the front panels in Figs. 1-3 and pocket 15). A cover flap with an interior pocket (see pocket on front panel with cover flap thereover as shown in Figs. 1-2) is shown. The cover flap closes the front pockets and would fall into place to resecure items. Shanhouse shows only one receptacle (15) on the inside surface. Shanhouse does not disclose a plurality of receptacles on an inside surface of the front panels as in claim 22. Jackets are known to have receptacles on the inside surfaces of the front panels, however, such as shown in Fig. 5 of Ost et al. Ost teaches that numerous pockets of

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various sizes are provided, which allows the wearer to store a multitude of items (col. 1, lines 1-2). Ost shows an upper and a lower inside pocket, each having a cover flap as in claim 22. These pockets are clearly capable of being used to carry prisoner restraint devices, handcuffs, or small firearms. Ost shows an inside pocket on an end of the panels opposite the neck portion (see lower inside pocket 240 in Fig. 5) and an inside pocket on an upper end of the panels (see upper pocket 240 in Fig. 5) as in claims 25, 28 and 31. Although Shanhouse and Ost do not disclose the use of the garments for law enforcement personnel, such a recitation amounts to the intended use of the claimed structure. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). The garments of Shanhouse and Ost are clearly capable of being used by law enforcement personnel. Similarly, Shanhouse and Ost do not disclose the use of the receptacles or pockets to receive prisoner restraint, however such a recitation also amounts to the intended use of the claimed structure. The pockets of Shanhouse and Ost have a structure such that they are capable of such a use. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the jacket of Shanhouse with upper and lower inside pockets on the front panels, such as shown by Ost et al, in order to permit carrying of a greater number of items in the jacket, for storage of a "multitude of items" as taught by Ost et al. Regarding claim 29, Shanhouse does show a back panel joined to an upper

edge of the neck portion. The back panel is joined to the pair of front panels on opposing sides with a zipper 35, as claimed.

Response to Arguments

13. Applicant's arguments filed 9/26/05 have been fully considered but they are not persuasive.

Applicant argues that Yang does not disclose pockets having closures disposed with an orientation so that only a single hand of the user is required to open each of the closures, as in claim 1, or pockets having zippers adapted so that only a single hand of the user is required to open the pockets, since applicant's pocket closures are oriented so that the force on the closure handle required to open the closure is directly transferred to the body of the wearer without distortion. The examiner contends that the zippers of Yang are openable with only one hand. Zippers 7a,7b for example, open by pulling on the zipper tab in a direction away from the wearer's neck. These zippers would open with the use of only one hand since they are small and the fabric is pulled smoothly across the wearer's chest. Moreover, any force on the fabric would be transferred to the wearer's neck, as in applicant's invention. The examiner contends that zippers 5a,5b would also open with the use of only one hand since the zipper opens away from the center of the garment and the fabric is pulled smoothly across the wearer's torso; any force on the fabric would be transferred to the center of the garment.

Applicant argues that Tobias does not disclose pockets having closures disposed with an orientation so that only a single hand of the user is required to open each of the

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closures, as in claim 1, or pockets having zippers adapted so that only a single hand of the user is required to open the pockets. The examiner contends that the zippers of Tobias are openable with only one hand since the force which is put on the zipper tab would be transferred to the garment body, and the garment is clearly snug enough that it would not bunch up so much, as a result of such pulling, that it would not be openable with one hand. Applicant argues that pocket 96 has a snap and "D" ring closure which would prevent one hand operation. The examiner notes that pocket 96 is closed by means of a snap. A snap closure as shown in Fig. 1 of Tobias would clearly be openable with one hand. The "D" ring attachments are attached to a strap and are for attaching items; they do not form a part of the closure mechanism of the pocket (col. 2, lines 55-59 of Tobias).

Applicant argues that Marcon does not disclose pockets having closures disposed with an orientation so that only a single hand of the user is required to open each of the closures, as in claim 1, or pockets having zippers adapted so that only a single hand of the user is required to open the pockets, since the zippers of Marcon appear to have horizontal orientations. The examiner contends that the zippers of Marcon are openable with only one hand. A horizontal configuration would not prevent opening of the zippers with only one hand.

Applicant argues that Ost does not disclose pockets having closures disposed with an orientation so that only a single hand of the user is required to open each of the closures, as in claim 1, or pockets having zippers adapted so that only a single hand of the user is required to open the pockets, since Ost merely discloses the use of

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conventional closure mechanisms. Applicant states that “the mechanism of conventional closure would clearly involve the use of two hands”. The examiner disagrees, since conventional closure mechanisms such as snaps, zippers, hook and loop fasteners, etc. are all openable with only one hand when placed on coat pockets in positions as shown by Ost. Since the coat of Ost is heavy and large in coverage, it would present counter forces to the force required to open these fasteners of the pockets, and thus they would be openable with one hand.

Applicant argues that the zipper of Shanhouse is not openable with only one hand, since it opens upwards as shown in Fig. 3 of Shanhouse. The examiner contends that the zipper is openable with only one hand since merely opening the zipper in an upwards direction would not require the use of the second hand. In fact, as shown in Fig. 3 of Shanhouse, the zipper is positioned on the side of the body in such a location that it would be difficult to use both hands to operate the zipper.

Jackets having pockets with zippers which are openable with only one hand are well known. Skiers, hunters, and dog walkers are among those who often unzip pockets of jackets with only one hand.

Applicant argues that the prior art references applied by the examiner do not disclose pockets which are adapted to hold the claimed police equipment items, such as handcuffs, a gun, a baton, etc. The examiner notes that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). That is, if the prior art structure

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is capable of performing the intended use, then it meets the claim. The pockets of the applied prior art are clearly capable of holding the police equipment, as set forth in more detail in the above rejections. Applicant argues that applicant's pockets are specifically adapted to hold such items by means of their specific shape (e.g. having a tapered bottom or tubular shape as discussed on page 9 of the Remarks filed 9/26/05) and size (e.g. having openings which are 7 inches long as discussed on page 9 of the Remarks filed 9/26/05). However, it is noted that these shapes and sizes are not claimed. These features upon which applicant relies (i.e., the specific shapes and sizes of the pockets) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

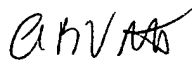
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy B. Vanatta whose telephone number is 571-272-4995. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Amy B Vanatta
Primary Examiner
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